

(1) in paragraph (31), by striking "or" at the end;

(2) in paragraph (32), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code."

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ";", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order."

Amendment in the Nature of a Substitute Offered by Mr. Coble

Mr. COBLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COBLE:

"Strike out all after the enacting clause of the Senate bill and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (i), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa-11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964 (42 U.S.C. 2000g-3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ";", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order."

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

"A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes."

A motion to reconsider was laid on the table.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3456) to amend statutory damages provisions of title 17, U.S. Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. BERMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, to just describe the legislation.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar to H.R. 1761, which was considered under suspension of the rules and agreed to by voice vote on August 2, 1999.

It makes significant improvements in the ability of the Copyright Act to deter copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that they will be an effective deterrent to this conduct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the difficulty of prosecuting crimes against intellectual property. It instructs that within 120 days on enactment of this act or within 120 days after there is a sufficient number of voting members to constitute a quorum, the United States Sentencing Commission shall promulgate emergency guideline amendments to implement the sentencing mandate in the No Electronic Theft, popularly known as the NET Act, which became law in the 105th Congress.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual

Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. HYDE); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. BERMAN. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this privately, but it was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff both of the subcommittees and the full committees and to the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassess the efficacy of our laws in protecting copyright. Toward that end, earlier this year the Committees on the Judiciary in both Houses resolved to address several concerns which have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it, unfortunately, occurs.

While I support the bill that we previously passed, I concur in the passage of the bill before us tonight.

There are two key features in the legislation. First, it provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish that, the cost of infringement must substantially exceed the cost of the compliance so that those who use or distribute intellectual property have incentive to comply with the law.

Secondly, passage of this bill is important to expedite the Sentencing Commission's adoption of a revised Intellectual Property sentencing guidelines. The newly confirmed Sentencing Commissioners will have 120 days to revise the Intellectual Property guideline to increase the deterrence.

In 1997, when we adopted the NET Act, we directed the Sentencing Commission to increase criminal penalties for Intellectual Property crimes. The current IP sentencing guidelines include perverse incentives that allow pirates to avoid significant prison terms. U.S. Attorneys refuse to bring copyright or trademark criminal cases because of the current weak guidelines. This bill will rectify that situation.

The new Commissioners will be required to focus on this important problem immediately. The increasing threat of intellectual property theft both in the on-line and off-line world will thus be fought with all available weapons.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and on the subcommittee and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. BERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—
(A) by striking "\$500" and inserting "\$750"; and

(B) by striking "\$20,000" and inserting "\$30,000"; and

(2) in paragraph (2), by striking "\$100,000" and inserting "\$150,000".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in

section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONDEMNING RECENT HATE CRIMES IN ILLINOIS AND INDIANA

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 254) expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 254

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fundamental values of our Nation;

Whereas the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;

Whereas Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;

Whereas Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by the Nation;

Whereas Won-Joon Yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University;

Whereas Won-Joon Yoon was a man who, through his demeanor and firmly-held Christian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be